

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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|------------------------------|---|---|----------------|
| -----X | | : | |
| ERNESTO LOPEZ, | : | : | 23cv2950 (DLC) |
| | : | : | |
| Petitioner, | : | : | <u>ORDER</u> |
| -v- | : | : | |
| | : | : | |
| RESIDENTIAL REENTRY MANAGER, | : | : | |
| | : | : | |
| Respondent. | : | : | |
| -----X | | : | |

DENISE COTE, District Judge:

On October 20, 2022, Ernesto Lopez filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 in the Eastern District of New York. On April 7, 2023, the petition was transferred to the Southern District of New York, and on April 10, assigned to this Court.

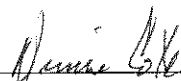
On April 12, the Court issued an Order noting that it may be appropriate to consider this petition as properly filed under § 2241 pursuant to the savings clause of subsection (e) to § 2255 and ordering the Government to file a response to the petition by May 26. The Government timely filed its response.

On June 23, Lopez submitted a letter stating that, in light of the Supreme Court's June 22 decision in Jones v. Hendrix, 599 U.S. --- (2023), he was "constrained to concede that he may not proceed with his claim . . . via a 28 U.S.C. § 2241 petition."

The letter stated that Lopez's petition should be dismissed for lack of jurisdiction. Accordingly, it is hereby

ORDERED that the case is dismissed.

Dated: New York, New York
June 26, 2023



DENISE COTE
United States District Judge